

REMARKS

Claim Amendments

The withdrawn claims have been cancelled without prejudice or disclaimer.

Independent claims 1 and 5 have been cancelled without prejudice or disclaimer.

Claims 2 and 6 have been rewritten in independent form and the other claims are dependent thereon.

Priority

The Office Action alleges that 35 USC § 119(b) requires a certified copy of the English translation of the foreign priority application. This allegation is incorrect. Section 119(b) uses the term “may” require a translation. Typically, a translation is submitted by an applicant when a foreign language priority document is used to predate a prior art reference.

The Rejections Under 35 USC § 103

Attached is a declaration demonstrating significant unexpected advantages of the claimed invention over the closest prior art. In view thereof, reconsideration is respectfully requested.

Please note that some text on the figures is in German. A translation thereof, i.e., a key to the figures, will be submitted in the near future.

The Rejections Under 35 USC § 112

The rejections to the form of the claims to the extent not discussed below are moot in view of the amendments to the claims.

In points 2 and 3 on page 10 of the Office Action claims 7-12 are alleged to be indefinite because it is allegedly unclear whether both components of the combination are required to be formulated the same. There is no indefiniteness in the claims. These claims do not recite a “composition” that is inseparable, but a “combination” where the individual components can be, e.g., provided as two individually and independently formulated elements, e.g., one part being orally formulated, while the other being provided in an implantable extended release formulation. However, the two components can be in the same type of formulation or in the same formulation.

Comments on the Notes to the Applicants

The Office Action alleges that the terms "such that" and "suitable for" are "optional language," i.e., that said language "suggests or makes optional" the material that follow. Applicants respectfully disagree. These terms are positive recitations without room for them being optional. The common usage of these terms also does not invoke any suggestions of optionality. Moreover, applicants are unaware of a case where these terms in a context as the present one would have been held to suggest or make optional the language that follows.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

/Csaba Henter/

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